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CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1656

**Introduced by Assembly Members Feuer and DeSaulnier
(Coauthor: Assembly Member Brownley)**

February 23, 2007

An act to amend Section 60900 of, *and* to add Section 60902 to, ~~to add the heading of Article 1 (commencing with Section 60900) to, and to add Article 2 (commencing with Section 60905) to, Chapter 10 of Part 33 of Division 4 of Title 2 of,~~ the Education Code, relating to pupil achievement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1656, as amended, Feuer. Pupil achievement: California Longitudinal Pupil Achievement Data System.

~~(1) Existing~~

Existing law requires the State Department of Education to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data on the STAR Program, English language development tests, and the high school exit examination, known as the California Longitudinal Pupil Achievement Data System.

This bill would require the Superintendent of Public Instruction to establish and maintain a unique coding system for educational institutions, as deemed necessary by the Superintendent, for the purpose of identifying and tracking enrollment, state and federal reporting requirements, and specified other purposes.

~~The bill would require the department to allocate specified funding, subject to funds being appropriated in the annual Budget Act, as part of a local data management support program, to local educational agencies and direct-funded charter schools that complete specified acts. Local educational agencies and direct-funded charter schools would be limited in the use of these funds for specified activities relating to retention of pupil test records. The bill would also make technical changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.~~ The heading of Article 1 (commencing with
 2 ~~Section 60900)~~ is added to Chapter 10 of Part 33 of Division 4 of
 3 ~~Title 2 of the Education Code, to read:~~

4
 5 ~~Article 1. System Development~~

6
 7 ~~SEC. 2.~~

8 ~~SECTION 1.~~ Section 60900 of the Education Code is amended
 9 ~~to read:~~

10 60900. (a) The department shall contract for the development
 11 of proposals that will provide for the retention and analysis of
 12 longitudinal pupil achievement data on the tests administered
 13 pursuant to Chapter 5 (commencing with Section 60600), Chapter
 14 7 (commencing with Section 60810), and Chapter 9 (commencing
 15 with Section 60850). The longitudinal data shall be known as the
 16 California Longitudinal Pupil Achievement Data System.

17 (b) The proposals developed pursuant to subdivision (a) shall
 18 evaluate and determine whether it would be most effective, from
 19 both a fiscal and a technological perspective, for the state to own
 20 the system. The proposals shall additionally evaluate and determine
 21 the most effective means of housing the California Longitudinal
 22 Pupil Achievement Data System.

1 (c) The California Longitudinal Pupil Achievement Data System
2 shall be developed and implemented in accordance with all state
3 rules and regulations governing information technology projects.

4 (d) The system or systems developed pursuant to this section
5 shall be used to accomplish all of the following goals:

6 (1) To provide local educational agencies and the department
7 access to data necessary to comply with federal reporting
8 requirements delineated in the federal No Child Left Behind Act
9 of 2001 (20 U.S.C. Sec. 6301 et seq.).

10 (2) To provide a better means of evaluating educational progress
11 and investments over time.

12 (3) To provide local educational agencies information that can
13 be used to improve pupil achievement.

14 (4) To provide an efficient, flexible, and secure means of
15 maintaining longitudinal statewide pupil level data.

16 (e) In order to comply with federal law as delineated in the
17 federal No Child Left Behind Act of 2001, the local educational
18 agency shall retain and maintain individual pupil records, including
19 all of the following:

20 (1) All demographic data collected from the STAR Program
21 test, high school exit examination, and English language
22 development test.

23 (2) Pupil achievement data from assessments administered
24 pursuant to the STAR Program, high school exit examination, and
25 English language development testing programs. To the extent
26 feasible, data should include subscore data within each content
27 area.

28 (3) A unique statewide pupil identification number to be
29 identical to the pupil identifier developed pursuant to the California
30 School Information Services, which shall be retained and
31 maintained by each local educational agency and used to ensure
32 the accuracy of information on the STAR Program test answer
33 documents, high school exit examination, and the English language
34 development test.

35 (4) All data necessary to compile reports required by the federal
36 No Child Left Behind Act of 2001, including, but not limited to,
37 dropout and graduation rates.

38 (5) Other data elements deemed necessary by the
39 Superintendent, with approval of the state board, to comply with
40 the federal reporting requirements delineated in the federal No

1 Child Left Behind Act of 2001, after review and comment by the
2 advisory board convened pursuant to subdivision (h).

3 (f) The California Longitudinal Pupil Achievement Data System
4 shall have all of the following characteristics:

5 (1) The ability to sort by demographic element collected from
6 the STAR Program tests, high school exit examination, and English
7 language development test.

8 (2) The capability to be expanded to include pupil achievement
9 data from multiple years.

10 (3) The capability to monitor pupil achievement on the STAR
11 Program tests, high school exit examination, and English language
12 development test from year to year and school to school.

13 (4) The capacity to provide data to the state and local educational
14 agencies upon their request.

15 (g) Data elements and codes included in the system shall comply
16 with Sections 49061 to 49079, inclusive, and Sections 49602 and
17 56347, with Sections 430 to 438, inclusive, of Title 5 of the
18 California Code of Regulations, with the Information Practices
19 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
20 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
21 Family Education Rights and Privacy Act statute (20 U.S.C. Secs.
22 1232g and 1232h) and related federal regulations.

23 (h) The department shall convene an advisory board consisting
24 of representatives from the state board, the Secretary for Education,
25 the Department of Finance, the State Privacy Ombudsman, the
26 Legislative Analyst's Office, representatives of parent groups,
27 school districts, and local educational agencies, and education
28 researchers to establish privacy and access protocols, provide
29 general guidance, and make recommendations relative to data
30 elements. The department is encouraged to seek representation
31 broadly reflective of the general public of California.

32 (i) Subject to funding being provided in the annual Budget Act,
33 the department shall contract with a consultant for independent
34 project oversight. The Director of Finance shall review the request
35 for proposals for the contract. The consultant hired to conduct the
36 independent project oversight shall twice annually submit a written
37 report to the Superintendent, the state board, the advisory board,
38 the Director of Finance, the Legislative Analyst, and the
39 appropriate policy and fiscal committees of the Legislature. The
40 report shall include an evaluation of the extent to which the

1 California Longitudinal Pupil Achievement Data System is meeting
2 the goals described in subdivision (b) and recommendations to
3 improve the data system in ensuring the privacy of individual pupil
4 information and providing the data needed by the state and ~~school~~
5 ~~districts~~ *local educational agencies*.

6 (j) This section shall be implemented using federal funds
7 received pursuant to the federal No Child Left Behind Act of 2001,
8 which are appropriated for purposes of this section in Item
9 6110-113-0890 of Section 2.00 of the Budget Act of 2002 (Chapter
10 379 of the Statutes of 2002). The release of these funds is
11 contingent on approval of an expenditure plan by the Department
12 of Finance.

13 (k) For purposes of this chapter, a local educational agency shall
14 include a county office of education, a school district, or charter
15 school.

16 ~~SEC. 3.~~

17 *SEC. 2.* Section 60902 is added to the Education Code, to read:

18 60902. (a) The Superintendent shall establish and maintain a
19 unique coding system for educational institutions, as deemed
20 necessary by the Superintendent, that includes, but is not limited
21 to, county offices of education, school districts, public schools,
22 charter schools, and private schools in California that enroll pupils
23 in any of kindergarten and grades 1 to 12, inclusive.

24 (b) These unique codes shall be maintained for the purpose of
25 identifying and tracking educational institutions for enrollment,
26 state and federal reporting requirements, accountability, and fiscal
27 purposes.

28 (c) The Superintendent shall adopt regulations necessary to
29 implement this section.

30 ~~SEC. 4. Article 2 (commencing with Section 60905) is added~~
31 ~~to Chapter 10 of Part 33 of Division 4 of Title 2 of the Education~~
32 ~~Code, to read:~~

33

34 ~~Article 2. Local Data Management Support Program~~

35

36 ~~60905. The Legislature finds and declares all of the following:~~

37 ~~(a) The multibillion dollar kindergarten and grades 1 to 12,~~
38 ~~inclusive, educational enterprise of California is held accountable~~
39 ~~based on data received from local educational agencies.~~

1 ~~(b) National and state educational reform efforts revolve around~~
2 ~~using data at both the state and local levels to better inform~~
3 ~~decisionmaking.~~

4 ~~(c) The feasibility study report developed pursuant to subdivision~~
5 ~~(a) of Section 60900 found that poor quality data submitted by~~
6 ~~local educational agencies is a high impact risk to the California~~
7 ~~Longitudinal Pupil Achievement Data System.~~

8 ~~(d) The state desires more accurate graduation and dropout rates.~~
9 ~~The California Longitudinal Pupil Achievement Data System can~~
10 ~~provide this information if local educational agencies and~~
11 ~~direct-funded charter schools provide quality data to the system~~
12 ~~through statewide pupil identifiers.~~

13 ~~60906. It is the intent of the Legislature to support local~~
14 ~~educational agency data management activities to enhance the~~
15 ~~quality of the data that is used locally and submitted to meet state~~
16 ~~and federal reporting and accountability requirements.~~

17 ~~60907. (a) In order to support the requirements specified in~~
18 ~~subdivision (c) of Section 60900, local educational agencies and~~
19 ~~direct-funded charter schools may receive a local data management~~
20 ~~support program annual grant, subject to funds being appropriated~~
21 ~~for this purpose in the annual Budget Act, as follows:~~

22 ~~(1) Local educational agencies and direct-funded charter schools~~
23 ~~with enrollment of between 1 and 1,000 shall receive five thousand~~
24 ~~dollars (\$5,000) annually.~~

25 ~~(2) Local educational agencies and direct-funded charter schools~~
26 ~~with enrollment of 1,001 or greater shall receive at least five dollars~~
27 ~~(\$5) per pupil enrolled within the agency, based on the annual~~
28 ~~enrollment update for the prior year, as certified by the department.~~

29 ~~(3) For purposes of this section, the following definitions apply:~~

30 ~~(A) "Direct-funded charter school" means a charter school that~~
31 ~~elects to receive its funding directly pursuant to Section 47651.~~

32 ~~(B) "Enrollment" means enrollment certified in the prior year~~
33 ~~for the California Basic Educational Data System, or any successor~~
34 ~~data system designated by the Superintendent.~~

35 ~~(4) If funds appropriated in the annual Budget Act are~~
36 ~~insufficient to provide full funding to implement this section, the~~
37 ~~department shall prorate the rates specified in paragraphs (1) and~~
38 ~~(2).~~

1 ~~(b) The department shall allocate this funding annually to local~~
2 ~~educational agencies and direct-funded charter schools that do all~~
3 ~~of the following:~~

4 ~~(1) Resolve anomalies related to the statewide pupil identifier~~
5 ~~required by paragraph (5) of subdivision (e) of Section 60900~~
6 ~~assigned to enrolled pupils in order to maintain a validity rate and~~
7 ~~timeline specified by the Superintendent.~~

8 ~~(2) Include the statewide pupil identifier on the transcript of~~
9 ~~each pupil.~~

10 ~~(3) Maintain one generic electronic mail address for local data~~
11 ~~management or information technology directors or personnel in~~
12 ~~order to facilitate communication between the department and the~~
13 ~~appropriate personnel of the local educational agency.~~

14 ~~60908. Local educational agencies and direct-funded charter~~
15 ~~schools shall use funds received pursuant to this article to support~~
16 ~~staff, hardware and software acquisitions, training, and other~~
17 ~~activities related to meeting the requirements specified in~~
18 ~~subdivision (e) of Section 60900.~~